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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,601	02/18/2004	Eric Doyle	16441-US	1021
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MARKS & CLERK P.O. BOX 957 STATION B OTTAWA, ON K1P 5S7 CANADA			EXAMINER AUGUSTINE, NICHOLAS	
			ART UNIT	PAPER NUMBER
			2179	
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			11/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,601

Applicant(s)

DOYLE ET AL.

Examiner

NICHOLAS AUGUSTINE

Art Unit

2179

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6-9, 11, 12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-9, 11, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 08/14/2008. This action is made **Final**.
- B. Claims 1, 4, 6-9, 11-12 and 14 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 4, 6-9, 11-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boezeman et al. (US 5,758,093), herein referred to as "Boezeman" in view of Moran et al (US 6,332,147 B1), herein referred to as "Moran".

As for independent claim 1 as well as 4 and 9, Boezeman teaches a method and apparatus of preparing a slideshow presentation viewable in a web browser, first and second data streams (figure 10), said first data comprising: preparing a video presentation of said slide show; preparing a sequence of animated slide presentation (figure 5, 124); displaying said video presentation as a video stream of frames along a first time line on a display device (figure 7, 116), said video stream being scrollable along said first time line (figure 7; wherein indicated are scroll bars in item 107 "video stream segments"); displaying a plurality of containers on said display device along a second time line alongside said frames of said data video stream (figure 10; column 4, lines 1-14), said containers being mouse draggable along said second time line relative to said first time line (column 7, lines 20,28,37 and 46), and said containers being scrollable along said second time line (figure 7 and column 6, lines 30-36); said containers containing respective individual slides of said animated slide-show presentation (column 7, lines 20-26); dragging said containers on said display device along said second time line to align said containers with respective group of frames (figure 12, containers are arranged at specific time frames as indicated by time line and time stamps, they are also arranged to overlap with other containers to make a final presentation made up of multiple multimedia data sources) in said video stream, wherein each said container is aligned with a group of frame representing a different video sequence so that a slide associated with a particular container will be presented during playback of the group of video frames aligned with that particular container

(column 7, lines 60-67; figure 12, containers are specifically aligned at precise time frames and overlap other containers to present a final product have multiple multimedia data sources); and generating synchronization markers for said aligned containers relative to said video stream based on the position of said containers relative to said video stream; and outputting said synchronization markers in a synchronization file for controlling the streaming of said slides and said video presentation in said slide-show presentation (figure 7, column 7; column 8, lines 5-38). Boezeman does not specifically teach that the animation segment is being displayed adjacent to the video at the same time while being played simultaneously, Boezeman only mentions that animation plays then video plays after animation is done but only as an example. Moran teaches a graphical user interface that displays and plays video and animations (slide show presentation) simultaneously adjacent to teach other (figure 4, col.18, lines 30-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Moran into Boezeman, this is true because Moran teaches a system which utilizes a timeline for editing video, animation, etc for a final presentation (figure 4 and 11-14; col.21, lines 53-67), thus providing an obvious advantage to the layout which is concurrently monitoring and managing all parallel executed tasks.

As for independent claim 4, Boezeman further teaches a method of synchronizing preparing a multi-media presentation viewable in a web browser, first and second data streams (figure 10), said first data comprising: preparing a video presentation; preparing an animated slide presentation (figure 5, 124); displaying said video presentation as a

video stream of frames along a first time line on a display device (figure 7, 116), said video stream being scrollable along said first time line (figure 7; wherein indicated are scroll bars in item 107 "video stream segments"); displaying containers on said display device along a second time line alongside said frames of said data video stream (figure 10; column 4, lines 1-14), said containers being mouse draggable along said second time line relative to said first time line (column 7, lines 20,28,37 and 46), and said containers being scrollable along said second time line (figure 7 and column 6, lines 30-36); said containers containing respective slides of said animated slide presentation (column 7, lines 20-26); dragging said containers on said display device along said second time line to align said containers with respective selected frames (figure 12, containers are arranged at specific time frames as indicated by time line and time stamps, they are also arranged to overlap with other containers to make a final presentation made up of multiple multimedia data sources) in said video stream, wherein said containers are aligned with respective groups of frame representing video sequences (column 7, lines 60-67; figure 12, containers are specifically aligned at precise time frames and overlap other containers to present a final product having multiple multimedia data sources); and generating synchronization markers for said aligned containers relative to said video stream based on the position of said containers relative to said video stream; and outputting said synchronization markers in a synchronization file for controlling the streaming of said slides and said video presentation in said multi-media presentation (figure 7, column 8, lines 5-38). Boezeman does not specifically teach that the animation segment is being displayed adjacent to

the video at the same time while being played simultaneously, Boezeman only mentions that animation plays then video plays after animation is done but only as an example. Moran teaches a graphical user interface that displays and plays video and animations (slide show presentation) simultaneously adjacent to teach other (figure 4, col.18, lines 30-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Moran into Boezeman, this is true because Moran teaches a system which utilizes a timeline for editing video, animation, etc for a final presentation (figure 4 and 11-14; col.21, lines 53-67) which is a similar system of Boezeman, thus one would not have been hard press to see the obvious variant Moran presents which is a different layout choice for similar systems. Boezeman further said slides include animation events that are displayed as atoms within said containers, said atoms being mouse draggable within said containers, and-said atoms are aligned with selected frames associated with their respective containers to generate synchronization markers for said animation events within said containers, and said synchronization markers for said animation events are included in said synchronization file (column 7, lines 9-25, figure 15; wherein depicted in figure 2, items 88,90,92, etc.. are atoms that are placed on the containers that effect the playback (animation) of the final result). Boezeman does not specifically teach that the animation segment is being displayed adjacent to the video at the same time while being played simultaneously, Boezeman only mentions that animation plays then video plays after animation is done but only as an example. Moran teaches a graphical user interface that displays and plays video and animations (slide show presentation) simultaneously adjacent to teach other (figure 4, col.18, lines

30-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Moran into Boezeman, this is true because Moran teaches a system which utilizes a timeline for editing video, animation, etc for a final presentation (figure 4 and 11-14; col.21, lines 53-67), thus providing an obvious advantage to the layout which is concurrently monitoring and managing all parallel executed tasks.

As for dependent claim 6, Boezeman teaches a method as claimed in claim 1, wherein said containers interact with each other such that dragging one container along said second time line pushes other containers in front of it along said second time line (column 7, line 45-55; wherein the user can add a video segment anywhere on the time line, if a video segment is already placed on time line its time will be effected by the new segment added).

As for dependent claim 7, Boezeman teaches a method as claimed in claim 1, wherein said synchronization markers are timings relative to a reference point (figure 7).

As for dependent claim 8, Boezeman teaches a method as claimed in claim 7, wherein said reference point is the start of the first data video stream (figure 7).

As for independent claim 9, Boezeman further teaches an apparatus for preparing a multi-media presentation viewable in a web browser comprising: *a display device; a first software component for displaying video frames along a first time line on a display*

device, said video frames being scrollable along said first time line; a second software component for displaying said containers on a second time line alongside said video frames, said containers being mouse draggable along said second time line relative to said first time line, and said containers being scrollable along said second time line; a pointer responsive to mouse control for interactively displacing dragging said containers on said display device relative to said video frames to align said containers with selected video frames; and a third software component for generating synchronization markers for said aligned containers relative to said video stream based on the position of said containers relative to said video stream and outputting said synchronization markers in a video file (note the analysis of claim 1 and column8, lines 11-53; figures 7 and 15). Boezeman does not specifically teach that the animation segment is being displayed adjacent to the video at the same time while being played simultaneously, Boezeman only mentions that animation plays then video plays after animation is done but only as an example. Moran teaches a graphical user interface that displays and plays video and animations (slide show presentation) simultaneously adjacent to teach other (figure 4, col.18, lines 30-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Moran into Boezeman, this is true because Moran teaches a system which utilizes a timeline for editing video, animation, etc for a final presentation (figure 4 and 11-14; col.21, lines 53-67), thus providing an obvious advantage to the layout which is concurrently monitoring and managing all parallel executed tasks.

As for dependent claim 11, Boezeman teaches an apparatus as claimed in claim 9, wherein said slides include animation events, and further comprising a fourth software component for displaying atoms corresponding to said animation events said atoms being mouse draggable within said containers, and-said fourth software component generating synchronization markers for said animation events within said slides when said atoms are dragged to positions corresponding to selected frames within their respective containers, said fourth software component including said additional synchronization markers in said output file so that said animation events will occur during presentation of a particular slide during playback of said selected frames within said containers associated with said atoms (figure 15; column 6, lines 5-59; column7, lines 9-19 and column 8, lines 10-39).

As for dependent claim 12, Boezeman teaches an apparatus as claimed in claim 9, wherein said second software component is programmed such that said containers interact with each other whereby dragging one container along said second time line pushes other containers in front of it along said second time line (note the analysis of claim 6).

As for dependent claim 14, Boezeman teaches an apparatus as claimed in claim 12, wherein said one container pushes other containers in front of it that have equal time properties to said one container (note the analysis of claim 13).

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 08/14/2008 have been fully considered but they are not persuasive.

After careful review of the amended claims (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

A1. The Applicant states that the invention permits a complete slide-show presentation to be condensed into a relatively small file that can be output to a web browser so as to make a complex slide-show/video presentation displayable on a portable device, such as a Blackberry™ without the need for all the multi-media software necessary to produce such as show. The Blackberry™ can conveniently be sent to an overhead projector or the like. The presenter does not need to carry around a computer and associated software.

R1. Examiner notes that this summary of limitations is not clearly conveyed using the current claim language of at least claims 1, 4 and 9.

A2. Applicant argues that Boezeman fails to disclose a method wherein containers containing individual slides of the slide-show are draggable into an appropriate relationship with the frames of the video sequence so that it can be ensured that slides are presented at the appropriate time relative to the video sequence. Specifically Boezeman does not teach "containers".

R2. Examiner does not agree, Boezeman shows that the user is able to interact within the graphical user interface to be able to drag and drop media (slides, images, videos, audio, etc...) into exact appropriate time spots on a timeline that is deemed important by the user that in such when the user playback users created presentation a rendering is produced which renders to the screen as a final output of the selected media to be presented at precise time spots associated with the timeline (col.6, lines 5-59). Further as taught by Boezeman that the media presented and are selectable by users of the system are objects which belong to classes (containers (col.3, lines 65-67 and col.4, lines 1-24); wherein as known that classes are equivalent to containers note: [http://en.wikipedia.org/wiki/Container_\(data_Structure\)\)](http://en.wikipedia.org/wiki/Container_(data_Structure)))). Thus it is evident that Boezeman teaches containers containing individual slides of the slide-show are draggable into an appropriate relationship with the frames of the video sequence so that it can be ensured that slides are presented at the appropriate time relative to the video

sequence and wherein the media are placed in respective containers the can be moved alongside the stream of video frames; a plurality of containers displayed along a time line, each container containing a respective slide that is aligned with a group of frames representing video sequence; aligning the video sequence with the animation sequence. Column 7 explains the variety of tools made available to the ser which provide the means necessary to execute desired functions within the system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
November 19, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179